

PAUL T. FRIEDMAN (CA SBN 98381)
 PFriedman@mofo.com
 RUTH N. BORENSTEIN (CA SBN 133797)
 RBorenstein@mofo.com
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 Facsimile: 415.268.7522

MADE JS-6

GREGORY B. KOLTUN (CA SBN 130454)
 GKoltun@mofo.com
 MORRISON & FOERSTER LLP
 555 West Fifth St., Suite 3500
 Los Angeles, California 90013
 Telephone: 213.892.5551
 Facsimile: 213.892.5454

Attorneys for Defendants
 UNITED PARCEL SERVICE, INC.,
 UNITED PARCEL SERVICE GENERAL SERVICES CO.
 AND UNITED PARCEL SERVICE CO.

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT COURT OF CALIFORNIA**

IN RE: UNITED PARCEL SERVICE
 "AIR-IN-GROUND" MARKETING
 AND SALES PRACTICES
 LITIGATION

MDL NO. 2153

CASE NO. **10-ML-02153-GW(PJWx)**

This Document Relates to:

2:10-CV-00733-GW-PJW Designer
 Imports International, Inc. v. United
 Parcel Service, Inc., et al
 2:10-CV-00734-GW-PJW Pocino Foods
 Company et al v. United Parcel Service,
 Inc. et al
 2:10-CV-04350-GW-PJW Arapahoe
 Hyundai, LLC v. United Parcel Service,
 Inc. et al
 2:10-CV-04352-GW-PJW Owens
 Financial Group, Inc. v. United Parcel
 Service, Inc., et al

**JUDGMENT AS TO PLAINTIFFS
 DESIGNER IMPORTS
 INTERNATIONAL, POCINO
 FOODS, ARAPAHOE HYUNDAI,
 AND OWENS FINANCIAL GROUP**

1 On July 11, 2011 and July 28, 2011, the motion of United Parcel Service,
2 Inc., United Parcel Service General Services Co. and United Parcel Service Co.
3 (“Defendants”) to dismiss the Third Amended Consolidated Class Action Complaint
4 of Plaintiffs Arapahoe Hyundai, LLC, Designer Imports International, Inc., Owens
5 Financial Group, Inc., and Pocino Foods Company (“Plaintiffs”) pursuant to Rule
6 12(b)(6) of the Federal Rules of Civil Procedure came on for hearing. The Court
7 heard extensive oral argument after reviewing all briefs and other submissions of
8 the parties.

9 On July 11, 2011, the Court issued a Tentative Ruling in favor of Defendants,
10 heard arguments from Plaintiffs and Defendants, and took the matter under
11 submission.

12 On July 28, 2011, the Court issued an Order granting Defendants’ motion and
13 dismissing the Third Amended Consolidated Class Action Complaint without leave
14 to amend on the ground that it fails to state a claim on which relief may be granted,
15 for the reasons stated in the Court’s Order. In accordance with the Order granting
16 Defendants’ motion,

17 IT IS HEREBY ADJUDGED that:

18 1. Designer Imports International, Inc. v. United Parcel Service, Inc., et
19 al., Case No. 2:10-CV-00733-GW-PJW, is dismissed on its merits, with prejudice;

20 2. Pocino Foods Company et al v. United Parcel Service, Inc. et al., Case
21 No. 2:10-CV-00734-GW-PJW, is dismissed on its merits, with prejudice;


22 3. Arapahoe Hyundai, LLC v. United Parcel Service, Inc. et al., Case No.
23 2:10-CV-04350-GW-PJW, is dismissed on its merits, with prejudice;

24 4. Owens Financial Group, Inc. v. United Parcel Service, Inc., et al., Case
25 No. 2:10-CV-04352-GW-PJW, is dismissed on its merits, with prejudice; and
26
27
28

1 5. Plaintiffs shall take nothing by way of their Third Amended
2 Consolidated Class Action Complaint in this action, which is dismissed without
3 leave to amend.

4 **IT IS SO ORDERED.**

5
6 DATED: August 4, 2011

By 

7 Hon. George H. Wu
8 United States District Judge

9
10 la-1134842
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28